

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, DECEMBER 14, 2015
6:30 P.M.**

SELECTMEN PRESENT: Brown, Cebula, Hughes, LaMantia, MacAskill

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Charleen Greenhalgh, David Spitz, Andrew Gould, Foster Banford, Amy Usowski, Diane DiGennaro, Sally Smith, Ed McManus, Larry Ballantine, Gary Carreiro, Lou Urbano, Sally Urbano, Anne Stewart, Rich Larios, Joe McParland, Chris Harlowe, Ron Kessler, and others.

MEETING CALLED TO ORDER at 6:30 p.m. by Chairman Hughes.

PUBLIC COMMENT/ANNOUNCEMENTS

A. New initiatives by Garden Club of Harwich – *Diane DiGennaro, President*

Ms. DiGennaro outlined her letter to the Board dated November 13, 2015 regarding current projects and new projects they will be undertaking.

Mr. Ballantine and Mr. McManus reported on the progress of the new Outer Cape Health Center.

CONSENT AGENDA

- A. Approve Minutes –
 - 1. November 30, 2015 Regular Session
 - 2. December 1, 2015 Executive Session
- B. Approve the 2016 Annual Liquor License Renewals
- C. Approve the 2016 Annual General License Renewals
- D. Accept gift of \$50.00 to the Town Nurse Gift Account
- E. Approve private road betterment for Ginger Plum Lane in the amount of \$223,650 and vote to submit ATM Article for borrowing of said amount
- F. Approve and sign License Agreement with Fenway Community Health Center, Inc. for use of room at Albro House

Ms. Brown moved approval of Items A through E. Ms. Cebula seconded the motion and the motion carried by a unanimous vote. Mr. Clark and Mr. Spitz answered questions from Ms. Brown and Ms. Cebula with regard to Item F after which Mr. MacAskill moved to approve and sign License Agreement with Fenway Community Health Center, Inc. for use of room #3 at the Albro House. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS (*Not earlier than 6:30 P.M.*)

A. Public Hearing – Community Development Strategy – *David Spitz, Town Planner*

Ms. Brown noted that the hearing notice is incorrect as it indicates Thursday, December 14 rather than Monday. She read the hearing notice into record. Mr. Spitz outlined the Community Development Strategy. He and Mr. Clark took questions and comments from the Board as well Ms. Urbano. Mr. Hughes closed the public hearing. No action was taken by the Board.

B. Update on West Harwich School RFI – *David Spitz, Town Planner*

Mr. Spitz reported that there was one submission which he believes is responsive to our RFI. He noted that the applicants have been working with CPC to get money and we have put in an application to the state for a cultural grant. Chairman Hughes said that at some point it has to come to the Board in the form of a license agreement. He stressed the need for a timeline. Mr. Clark said we will target the middle of January for the license agreement. Ms. Cebula said the license agreement should indicate and be clear about who is paying for what expenses.

C. Presentation by Visual Government – *Annie Lacourt, Visual Government*

Ms. Lacourt of Visual Government provided a presentation of their service which she described as a tool for the citizens which visualizes the Town's budgets and any projections going forward. The presentation included FY13-15 actual figures and projections for FY16. She commented that it shows where we have been and where we are headed in terms of financial transparency. She noted that the data comes from Munis but the information must first be manipulated into a CSV. In response to comments from Mr. LaMantia over concerns that the data would not be correct, Mr. Clark said that this is a visual tool that is just illustrative and not a precise instrument. Mr. LaMantia was concerned about using it at Town Meeting. Ms. Cebula asked if there is a way to keep track of the number of hits this would get from the public and Ms. Lacourt indicated that there is using Google analytics. Ms. Brown inquired as to the costs and Ms. Lacourt stated that the Town would pay a one-time fee to launch the site and for 2 years of support and by then they are hoping to launch a software as a service that will have a monthly fee in the range of \$50-\$100 with the initial cost being \$3,000.

D. Update on Artificial Reef Project – *Amy Usowski, Conservation Agent*

Ms. Usowski reported that all permits were done via grants and are in hand and that 1,000 cubic yards of clean concrete is currently at the Transfer Station from the former Harwich High School. She noted that the reef will be about 2 miles off of Saquatucket on an approximate ten acre site. Mr. Ross Kessler, Public Access Coordinator for the Division of Marine Fisheries, spoke regarding the funding and time of year restrictions. He stated that they have up to \$250,000 to spend by the end of this fiscal year and they would like to get done by April to fulfill the time-of-year restrictions. He noted that the RFR is now being prepared and should be ready to go in about a week and the money would probably be sent directly to the Town and not the contractor. Ms. Usowski reported that the Highway Department has agreed to bring material down to Saquatucket to cut down on transportation costs and the material can temporarily be stored on the Downey property if need be. The Board thanked Mr. Kessler and Ms. Usowski and said they look forward to the project.

E. Presentation on proposed legislation to deal with Eversource spraying issues on Cape Cod – *Laura Kelley, Director of Protect our Cape Cod Aquifer*

Ms. Kelley, Director of Protect our Cape Cod Aquifer, outlined their requests as noted in their email as follows:

- 1.) That the Board of Selectmen write a letter in support of Senator Dan Wolf's bill # S.478, an act that if passed would give each town the right to negotiate a no pesticide spraying agreement with Eversource Energy, by writing to Senator Anne Gobi, Senate Chair ENRA - at anne.gobi@masenate.gov - and Representative Paul Schmid, House Chair ENRA at Paul.Schmid@mahouse.gov.
- 2.) That the Board of Selectmen prepare to write MDAR and prepare to testify in strong opposition to Eversource's YOP when the time for such comments arises after January 1, 2016. (You can use last year's document with the date changed for YOP 2016.)
- 3.) That POCCA and POCCA's Attorney, Bruce Taub, be invited to discuss with your Town Counsel, as we have done favorably with Town Counsel in Brewster and Orleans, the possibility of your Town joining in efforts to take Eversource to court, conditioned on Attorney Taub's offer of his time in such an endeavor on a pro bono basis, in an effort to stop all herbicide spraying along Town owned and privately owned ROW's.

With regard to item #3, Chairman Hughes said we should at least ask our Town Counsel if that's something they want to be involved with. The Board agreed and it was the consensus of the Board to do so. Mr. Clark said he would ask Attorney John Giorgio to reach out and explore this.

With regard to item 2, Chairman Hughes said that this is something we have done historically and commented that he is not sure how strongly we are going to testify but that is for a future agenda.

With regard to item 1, Ms. Cebula moved to write a letter of support for Dan Wolf's Senate bill S478. Ms. Brown seconded the motion. Mr. LaMantia asked to modify the motion to suggest to the Senator to include that Nstar notify us when they are coming. Chairman Hughes recommended doing this as a separate motion. The motion failed on a 2-3-0 vote with Mr. MacAskill, Mr. LaMantia and Chairman Hughes in opposition. Mr. LaMantia moved to request that Dan Wolf attempt to get passed some legislation that requires Nstar to give us 30 days notification when they will be spraying and take all the other steps to inform the people involved 4 or 5 days before. Mr. Clark pointed out that the Board did write a formal letter that was copied to Senator Wolf, there was notice in advance, and some kind of telephone calling to the affected neighborhood within 72 hours. He suggested updating the letter and sending it to him. Mr. MacAskill seconded the motion. Chairman Hughes restated the motion as follows: to research and bring back the letter that was sent previously, update it and suggest to Senator Wolf that he file legislation to address those topics. The motion carried by a unanimous vote. The Board took comments from Mr. Ballantine.

Ms. Cebula moved that when the Yearly Operational Plan is presented that we write comments to MDAR and oppose the Yearly Operational Plan in terms of the spraying if it is not in compliance with what we would like to have happen. Mr. LaMantia seconded the motion. Mr. MacAskill questioned what aspects of the spraying we would object to. Ms. Cebula responded that issues included the lack of notice and also spaying too close to property. Chairman Hughes

recommended that when the plan is available that they bring this item back. Ms. Cebula withdrew her motion.

F. Town Administrator submits 7-Year Capital Plan to joint meeting of Board of Selectmen and Finance Committee

Mr. Larios, Capital Outlay Committee chair introduced the committee and noted that they are in agreement with the Town Administrator on the recommendations. He discussed the rationale behind their decisions. Mr. Clark outlined the plan and Chairman Hughes said they would revisit it in January.

NEW BUSINESS

A. Review and discussion of potential Town Meeting Warrant Articles – *discussion*

The Board reviewed the articles and stressed that any additions to staff or hours needs to be in the operating budget.

TOWN ADMINISTRATOR'S REPORT

A. Rental Registration

Mr. Clark noted that the Town approved a rental registration by-law in the 1970's which required those who rent out property in the summer to have an inspection done through the Building Department and it would be a life and safety check. He noted that it is done in Barnstable and Dennis at the beginning of the season. He stated that to reactivate this he would have to research what the staff requirements are and put together an action plan. He said there are estimated to be 700 to 1,000 seasonal rental properties in Town. Mr. Clark reported that there are several towns that have special legislation, including Truro, Eastham, Brewster and Nantucket, to impose a room occupancy tax on rental units other than hotels and motels. He noted that taxation can only be done by the legislature in Boston and there is a lack of action. He said to do this would be a symbolic vote as the legislature would just sit on it and he recommended they don't pursue it. Chairman Hughes said we should wait until somebody else forges that trail and gets some legislation passed. He also expressed concern as to how we would enforce this.

Mr. LaMantia said the towns are being forced to look at wastewater solutions regionally. He said the state should look at this more kindly as a possible source of revenue to address the wastewater costs.

Ms. Cebula stated that the Town can research the rentals on Google and send letters informing people that they need to register with the Town or face a \$300 a day fine as Eastham states in its by-law. She said we need to determine how much work is involved.

Chairman Hughes said we should start again with public hearings and then take it to Town Meeting and Mr. MacAskill agreed.

Ms. Cebula said if we aren't going to enforce the ordinance then we should get rid of it. She commented that renters have an expectation of a level of safety and security.

Ms. Brown pointed out that businesses have to comply with fire and safety requirements and renting a home is essentially a business. She stressed that we have it in place and should enact it.

Mr. Clark recommended that they put the topic on the Board's agenda for a thorough discussion in the near future. He said he will do a cursory look and bring back for discussion.

B. Land Use Breakdown

Mr. Clark indicated that the information provided is in response to a question that came up at a recent hearing as to the break out of the number of parcels for each type of land use.

Mr. Clark reported that it has come to his attention that when we submitted the tax rate it was submitted at a higher level. He noted that the Department of Revenue official reviewed the information and had requested some additional information. He stated that we had said that the tax rate would be \$9.21 and it was adjusted to \$9.07, so they made a \$560,000 adjustment. Mr. Gould stated that the form you use for tax rate is very complicated and what happened is they required some changes, an error was made, and it impacted the tax rate. He stated that he called the Department of Revenue and asked them if we could make a correction they said no as it is Massachusetts General Law that once the tax rate is set it doesn't change. He said that part of the problem was related to CPC, errors were made, we learned some lessons, and he had a discussion with the Assessor about making some changes to make sure that doesn't happen again. He said that he takes full responsibility for this. Ms. Cebula questioned what the impact is to the Town. Mr. Gould said he would get that information. Mr. Clark stated that the Department of Revenue said we overstated the property tax by \$560,000 and we had to have that be identified by an alternative funding source. He said we adjusted local receipts up to make up for that property tax but we will have some ramifications as we move forward. He stated that they will put together some kind of plan and when we do the budget for FY17 we will take that into account.

Mr. Clark reported that his employment contract is coming due June 30, 2016 and it is his intent to say that he would like to stay and he will be sending the Board written notification in January. He said he would like to pursue a 3 to 5 year contract.

SELECTMEN'S REPORT

Mr. MacAskill reported that he had received an email from Nina Schuessler of the Harwich Junior Theater and they would like a traffic light at their location at Division and Willow Streets in front of the theater. He said she indicated that she has witnessed many accidents and is concerned that someone will be seriously injured or killed. Mr. Clark stated that VHB is doing work for the Town to look at that area and they are the contractor doing Division Street and they are looking at that intersection so we were thinking about doing a joint application on that very topic of what kind of street lighting was necessary. He asked Mr. MacAskill to send him Ms. Schuessler's email and he would forward it to VHB.

Ms. Cebula noted that she is still waiting for the allocation of indirect cost assessment. She inquired as to when the free cash application will be filed. Mr. Clark said he would ask Mr. Gould and respond to Ms. Cebula by email.

ADJOURNMENT

Chairman Hughes adjourned the meeting at 9:25 p.m.

Respectfully submitted,

Ann Steidel
Recording Secretary

2016 ANNUAL LIQUOR LICENSE RENEWALS

400 East, Inc.
1421 Route 39
East Harwich, MA 02645
Gail O. Sluis, Manager

Common Victualler - All Alcohol

A.J. Lukes of Harwich, Inc.
224 Route 28
West Harwich, MA 02671
Arthur J. Luke, Manager
Package Goods Store - All Alcohol

Allen Harbor Yacht Club, Inc.
371 Lower County Rd.
Harwich Port, MA 02646
Peter Moynagh, Manager
Club - All Alcohol

Ashwood Food Service Inc.
d/b/a Jake Rooney's
119 Brooks Rd.
Harwich Port, MA 02646
Peter Klaus, Manager
Common Victualler - All Alcohol

Bourne Petroleum Ltd.
d/b/a Harwich Exxon
173 Pleasant Lake Ave.
Harwich, MA 02645
Jaime Almeida, Manager
Package Goods Store - Wine & Malt

Brax Restaurant Management, Inc.
d/b/a Brax Landing
705 Route 28
Harwich Port, MA 02646
Jeffrey S. Gomes, Manager
Common Victualler - All Alcohol

Charles J. Weiss
d/b/a 7-Eleven 34434A
5 Route 28
West Harwich, MA 02671
Charles J. Weiss, Manager
Package Goods Store - Wine & Malt

WFS Restaurant Group, Inc.
d/b/a L'Alouette
787 Route 28
Harwich Port, MA 02646
Christian Schultz, Manager
Common Victualler - All Alcohol

Ember Pizza, Inc.
d/b/a Ember
600 Route 28
Harwich Port, MA 02646
Justin R. Brackett, Manager
Common Victualler - Wine & Malt

John F. Connell
d/b/a Cape Cod Claddagh Inn & Irish Pub
77 Route 28
West Harwich, MA 02671
John F. Connell, Manager
Innholder - All Alcohol

John & Jon United Corp.
d/b/a Harwich East Liquors
1421 Route 39
East Harwich, MA 02645
John F. Kenney, Manager
Package Goods Store - All Alcohol

Harwich Port Seafarer, Inc.
d/b/a Harwich Port Seafarer
86 Sisson Rd.
Harwich Port, MA 02646
Damien Wiseman, Manager
Innholder - All Alcohol

Harwichport House of Pizza, Inc.
330 Route 28
Harwich Port, MA 02646
Aleks Sotiri, Manager
Common Victualler - All Alcohol

Hot Stove Saloon, Inc.
d/b/a Hot Stove Saloon
551 Route 28
Harwich Port, MA 02646
Gabriel Leidner, Manager
Common Victualler - All Alcohol

Land Ho Harwichport LLC
d/b/a Land Ho
429 Route 28
Harwich Port, MA 02646
Dillon J. Murphy, Sr., Manager
Common Victualler - All Alcohol

Lepinay, Inc.
d/b/a Cranberry Liquors
555 Route 28
Harwich Port, MA 02646
Joseph V. DellaMorte, Manager
Package Goods Store - All Alcohol

Main Street Quik Pik, Inc.
d/b/a Main Street Market
715 Main St.
Harwich, MA 02645
Anil Patel, Manager
Package Goods Store – All Alcohol

Morningstar Restaurant, Inc.
d/b/a Villa Roma
278 Route 28
West Harwich, MA 02671
Douglas R. Morrissey, Manager
Common Victualler - All Alcohol

Maulik Corporation
d/b/a Value Mart
435 Route 28
Harwich Port, MA 02646
Bahecharbhai Patel, Manager
Package Goods Store – Wine & Malt

Shogun Inc.
d/b/a Noble House
21 Route 28
West Harwich, MA 02671
Amy Liang, Manager

Common Victualler - All Alcohol

Shooting Star Realty, LLC
d/b/a Buca's Restaurant
4 Depot Rd.
S. Harwich, MA 02661
Robert J. Chiappetta, Manager
Common Victualler - All Alcohol

Spyridon & Aglaia Christakis
d/b/a George's Pizza House
564 Route 28
Harwich Port, MA 02646
Spyridon & Aglaia Christakis, Managers
Common Victualler - Wine & Malt

William R. Coffin & Sons, Inc.
d/b/a Plum's Package Store
326 Route 28
Harwich Port, MA 02646
John W. Coffin, Manager
Package Goods Store - All Alcohol

Zack, Inc.
d/b/a Castaways
986 Route 28
South Harwich, MA 02661
Deborah B. Merrill, Manager
Common Victualler - All Alcohol

Ham and Bri, LLC
d/b/a Red's Pizza
703 Main St.
Harwich, MA 02645
Brienne Smith, Manager
Common Victualler – All Alcohol

Pekarkill Inc.
d/b/a Local Flavor Lunch & Bagel
403 Pleasant Lake Ave.
Harwich, MA 02645
Elaine Pekarcik, Manager
Package Goods Store – Wine & Malt

2016 ANNUAL GENERAL LICENSE RENEWALS

400 East, Inc.
d/b/a 400 East, Inc.
1421 Route 39, East Harwich
Common Victualler
Weekday Entertainment –
Recorded or live music,
11:30 a.m. – 1:00 a.m.
Noise level not to exceed licensed premises.

Acme-Shorey Precast Co., Inc.
36 Great Western Rd., Harwich
Auto Class I – Agents or Sellers

Alexander the Great, Inc.
d/b/a Alecsie's House of Pizza
181 Route 137, Unit 3, Harwich
Common Victualler

Ashwood Food Service, Inc.
d/b/a Jake Rooney's
119 Brooks Road, Harwich Port
Common Victualler
Sunday Entertainment –
Recorded or live music,
1:00 p.m. – 12:00 a.m.
Noise level not to exceed licensed premises.
Weekday Entertainment -
Recorded or live music
8:00 p.m. – 12:00 a.m.
Noise level not to exceed licensed premises.

Barry Bessette
d/b/a BB's Automotive
805 Route 28, Harwich Port
Auto Class II – Used Car Dealer

Bassil Brothers Inc.
d/b/a Harwichport Getty
570 Main St., Harwich Port
Auto Class II – Used Car Dealer
Auto Class IV – Vehicle Repairman

Bluefish Bed & Breakfast
102 Parallel St., Harwich
Lodging House

Bonatt's Restaurant & Bakery
537 Route 28, Harwich Port
Common Victualler

Braddock, Inc.
d/b/a Winstead Inn & Beach Resort
4 Braddock Lane, Harwich Port
Innholders

Braddock, Inc.
d/b/a Winstead Inn & Beach Resort
Parallel St., Harwich
Innholders

Brax Restaurant Management Inc.
d/b/a Brax Landing
705 Route 28, Harwich Port
Common Victualler

Buckies Biscotti
554 Route 28, Harwich Port
Common Victualler

Cape & Islands Collision, Inc.
d/b/a Cranberry Collision
161 Queen Anne Rd., Harwich, MA
Auto Class II – Used Car Dealer (new)
Auto Class IV – Auto Repairman

Carlos Tapia
d/b/a JC Auto Sales
195 Queen Anne Rd., Harwich
Auto Class II – Used Car Dealer

Dave's Garage
910 Route 28, S. Harwich
Auto Class IV – Auto Repairman

Dan & Sue Edwards
d/b/a Tern Inn
91 Chase St., West Harwich
Lodging House

Dream Big Holdings, Inc.
d/b/a The Platinum Pebble Boutique Inn
186 Belmont Road, West Harwich
Innholders

Ember Pizza, Inc.
d/b/a Ember
600 Route 28, Harwich Port
Common Victualler
Weekday Entertainment
Recorded or live music with amplification
5:00 p.m. – 10:00 p.m. on patio
5:00 p.m. – 12:00 a.m. inside
Noise level not to exceed licensed premises.

Epiros Holdings, LLC
d/b/a George's Pizza House
564 Route 28, Harwich Port
Common Victualler

Ham and Bri LLC
d/b/a Red's Pizza
703 Main St., Harwich
Common Victualler
Weekday Entertainment
Recorded or live music with amplification
12:00 p.m. – 10:00 p.m.

Harbor Breeze Inn, LLC
d/b/a Allen Harbor Breeze Inn & Gardens
326 Lower County Road, Harwich Port
Lodging House

Harwichport House of Pizza, Inc.
d/b/a Harwichport Pizza
330 Route 28, Harwich Port
Common Victualler

Hot Stove Saloon, Inc.
d/b/a Hot Stove Saloon
551 Route 28, Harwich Port
Common Victualler

Inn of Treasured Memories, LLC
d/b/a Inn of Treasured Memories
473 Main St., Harwich

Innholders

Jim Cox Foreign Car Service
d/b/a Jim Cox Foreign Car Service
210 Queen Anne Rd., #15, Harwich

Auto Class IV – Auto Repairman

Land Ho Harwichport, LLC
d/b/a Land Ho
429 Route 28, Harwich Port

Common Victualler

Weekday Entertainment –

Recorded or live music with amplification,
Dancing by patrons,
11:30 AM – 10:00 PM

Noise level not to exceed licensed premises

Sunday Entertainment –

Recorded or live music with amplification,
Dancing by patrons,
6:00 PM – 10:00 PM

Noise level not to exceed licensed premises

Morin-Froughton, Inc.
d/b/a Lighthouse Café
216 Route 28, West Harwich

Common Victualler

Murphy/Torres LLC
d/b/a Upper Crust Pizza
1421 Route 39, Unit 25, Harwich

Common Victualler

Morningstar Restaurant, Inc.
d/b/a Villa Roma
278 Route 28, West Harwich

Common Victualler

Weekday Entertainment –

Recorded or live music with use of amplification.
5:00 p.m. – 1:00 a.m.

Noise level not to exceed licenses premises.

Nancy L. Clapp
d/b/a Clapp's Guest House
15 South St., Harwich Port
Lodging House

Nick & Claudine Enterprises LLC
d/b/a West Harwich Save-On-Gas
4 Route 28, West Harwich
Auto Class IV – Auto Repairman

Peter S. Stagg
182 Route 137, Harwich
Auto Class II – Used Car Dealer

Ruggies, Inc.
d/b/a Ruggies
707 Main St., Harwich
Common Victualler

Sam's Automotive Center
d/b/a Sam's Auto Repair and Sales
413 Route 28, Harwich Port
Auto Class II – Used Car Sales
Auto IV – Auto Repairman

Scott's Cycle
210 Queen Anne Rd., #1, Harwich
Auto Class IV – Auto Repairman

Shooting Star Realty
d/b/a Buca's Tuscan Roadhouse
4 Depot Rd., Harwich
Common Victualler

Shogun, Inc.
d/b/a Noble House
21 Route 28, West Harwich
Common Victualler

Steven's Auto Repair
216 Main St., #7 & 8, Harwich
Auto Class IV – Auto Repairman

Super Stop & Shop
d/b/a Starbucks
Routes 39 & 137, Harwich
Common Victualler

Subfleet, Inc.
d/b/a Subway
1 Auston Rd., E. Harwich
Common Victualler

Wayne's Auto Service
643 Main St., Harwich
Auto Class IV - Vehicle Repairman

WFS Restaurant Group, Inc.
d/b/a L'Alouette
787 Route 28, Harwich Port
Common Victualler

Zack, Inc.
d/b/a Castaways
986 Route 28, South Harwich
Common Victualler

Zou Garden, Inc.
d/b/a Szechuan Delight
1421 Orleans Rd., Unit #24, East Harwich
Common Victualler

Related Documents - 12/14/2015 BOS Meeting

- 01 Agenda.pdf
- 02 Garden Club.pdf
- 03 Nov. 30, 2015 minutes.pdf
- 04 Liquor Renewals.pdf
- 05 General Renewals.pdf
- 06 Nurse Acct Gift.pdf
- 07 Ginger Plum Betterment.pdf
- 08 Albro House License Agreement.pdf
- 09 Community Development Strategy.pdf
- 10 W. Harwich School RFI.pdf
- 11 Artificial Reef.pdf
- 12 Legislation re Eversource Spraying.pdf
- 13 Capital Plan.pdf
- 14 Draft Warrant Articles.pdf
- 15 Rental Registration.pdf
- 16 Land Use Breakdown.pdf